



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,471	08/27/2003	Debra Lyn Orton	4386-7004US1	4718
27123	7590	03/09/2007	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,471	ORTON ET AL.	
	Examiner	Art Unit	
	John Chavis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3/14/06.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-111 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-111 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/27/03
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. The previous rejection has been withdrawn and a new action is issued in view of the applicant's preliminary amendment dated 8/27/03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-111 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims that his system provides for "determining if a particular object oriented method to be invoked during runtime execution is not present in executable program memory in the computer hardware and loading the particular object oriented method into the executable program memory determined to not be present in the executable program memory prior to its runtime execution"; however, it is not clear that any of those features exists in the original specifications or claims. Therefore, the features are considered new matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 10-111 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (5,369,766).

<u>Claims</u>	<u>Nakano</u>
10. (NEW) A method for running an object-oriented application on a computer platform including computer hardware and an operating system executing on the computer hardware,	See the title, the abstract and col. 2 lines 39-64.
including program logic code specific to the operating system and compiled for use on the computer hardware, comprising:	See col. 3 lines 4-11.
providing an object-oriented interface specifying object-oriented classes each containing one or more methods, on the computer platform,	See fig. 2 and col. 1 lines 44-57.
the interface implemented on a plurality of computer platforms including different combinations of computer hardware and operating systems,	See col. 11 lines 25-35, see claim 1.

the interface used by the object-oriented application to instantiate objects from the classes and invoke the object-oriented methods;

See col. 2 lines 65-col. 3 line 11.

the program logic code responsive to the object-oriented interface to provide native system services from the computer platform;

" " " "

determining if a particular object-oriented method to be invoked during runtime execution is not present in executable program memory in the computer hardware; and

See col. 3 lines 49-67.

loading the particular object-oriented method into the executable program memory determined to not be present in the executable program memory prior to its runtime execution.

" " " "

11. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being not present in the executable program memory when the object-oriented program begins execution.

See col. 1 lines 60-col. 2 line 7.
Also, see again col. 3 lines 49-67.

12. (NEW) The method of claim 10, which further comprises:
the particular object-oriented method being specific to the computer platform.

See col. 11 lines 25-35.

13. (NEW) The method of
claim 10, which further
comprises:
the particular object-oriented
method being specific to the
computer hardware.

“ “ “ “

14. (NEW) The method of
claim 10, which further
comprises:
the particular object-oriented
method being specific to the
operating system executing
on the computer hardware.

“ “ “ “

15. (NEW) The method of
claim 10, which further
comprises:
the particular object-oriented
method being specific to the
operating system executing
on the computer hardware
and the program logic code
being responsive to the
particular object-oriented
method.

“ “ “ “

Claims 16, 22, 28, 34, 40, 46, 52, 58, 64, 70, 76, 82-111 are rejected as claim 10
above. The applicant is hereby advised that the features of the platform in claims 101-
103 are considered merely the processor and the memory (see fig. 1 items 10 and 14
and 20). The applicant should that program code is not considered part of an apparatus.

As per claims 17, 23, 29, 35, 41, 47, 53, 59, 65, 71, 77 are rejected as claim 11.

The features of claims 18-21, 24-27, 30-33, 36-39, 42-45, 48-51, 54-57, 60-63,
66-69, 72-75, 78-81 are rejected as claim 12.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis
Primary Examiner AU-2193